

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/001,442 Confirmation No. 2397
Appellant : Mike SHELDON, *et al.*
Filed : October 31, 2001
Group Art Unit: 2179
Examiner : Ba Huynh
Title : METHOD AND SYSTEM FOR RENDERING DISPLAY
Docket No. : MFCP.81059
Customer No. : 45809

VIA EFS – 27 July 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

This is a Notice of Appeal from a final Office Action dated 26 December 2006, rejecting claims 1, 3-9, and 11-14. These claims having been at least twice rejected. No amendments are being filed with this request. Appellant files this Notice of Appeal along with a Pre-Appeal Brief Request For Review. See., 1296 *Off. Gaz. Pat. Office* 67 (12 July 2005) and 1303 *Off. Gaz. Pat. Office* 21 (07 February 2006). The Commissioner is hereby authorized to charge any additional fee that may be due, or credit any overpayment, to Deposit Account No. 19-2112.

Remarks: Begin on page 2 of this paper.

REMARKS

Status of Claims

Claims 1, 3-9, and 11-14 are twice rejected claims. Claims 1, 3-9, and 11-14 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,473,102 to Rodden (hereinafter "Rodden") in view of U.S. Patent No. 6,581,020 to Buote (hereinafter "Buote"). Appellant earnestly solicits reconsideration and allowance of the claims in view of the following remarks.

Factual Deficiencies

The Office fails to provide an adequate factual basis to support the alleged *prima facie* case for obviousness of claims 1, 3-9, and 11-14.

With respect to independent claims 1 and 8, Rodden and Buote fail to teach or suggest, among other things, automatically maximizing the size of a window, when the size and position of the window are not specified and the current screen resolution of a display for the window is below a threshold for the display, wherein the current screen resolution does not change.

The Office concedes the Rodden fails to expressly teach or suggest, among other things, "automatically maximizing the size of a window on the display screen if the screen resolution is below the predetermined threshold." However, the Office contends that Buote, at col. 11, ll. 15-21, in combination with Rodden teaches automatic maximization based on screen resolution. Appellant respectfully disagrees because nothing in Buote and Rodden, singularly or in combination, teaches or suggests for windows without specified sizes and positions, maximizing the size of the windows without specified size and positions when the current screen resolution is below the specified threshold as required by independent claims 1 and 8.

The cited portion of Buote discloses changing the display mode to 600x800, which matches the size of all the windows and creates a display effect that renders all the windows in a maximized state. The size of the window is not maximized, rather the change in display mode, i.e. screen resolution, creates the effect of maximized windows. Accordingly, Rodden and Buote do not fairly teach or suggest, among other things,

automatically maximizing the size of a window, when the size and position of the window are not specified and the current screen resolution of a display for the window is below a threshold for the display, wherein the current screen resolution does not change. For at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of independent claims 1 and 8.

With respect to independent claim 14, Rodden and Buote fail to teach or suggest, among other things, automatically maximizing the size of a window, when the size and position of the window are not specified.

The Office suggests that Rodden, at col. 1, ll. 22-28 and col. 3, ll. 62-66, teaches the claimed automatic maximization. Nothing in Rodden teaches or suggests a size and position of a window are not specified. Rather, Rodden, at FIG. 5 and col. 4, l. 45-col. 5, l. 5, teaches the size and position are re-calculated in proportion to a change in screen resolution. Nothing in Rodden teaches automatically maximizing the size of the window. However, the Office contends that an unreferenced button, "middle button," of Buote teaches maximizing; thus the combination of Rodden and Buote teaches the automatic maximization. Appellant disagrees because Buote does not describe a maximize button, instead, in Buote's system all windows are locked at a specific size. Accordingly, the combination of Rodden and Buote fails to fairly teach or suggest, among other things, automatically maximizing the size of a window, when the size and position of the window are not specified. For at least the above reasons, Appellant respectfully requests withdrawal of the obviousness rejection and allowance of independent claim 14.

Legal Deficiencies

The Office fails to provide a *prima facie* case for obviousness because of the noted factual deficiencies with respect to combining Rodden and Buote. All the requirements of the claimed embodiments are not taught or suggested by the combination of Rodden and Buote. Furthermore, Rodden and Buote teach away from each other and the claimed invention. Rodden, at col. 4, ll. 10-60, teaches repositioning or resizing windows having a specified designation when one or more events, i.e., screen-configuration changes that effect the display of content, occur. Buote, at col. 11, ll. 1-30, teaches window constraints that provide a consistent look for major functional screens by

specifying a single size and screen layout for all windows. Unlike, Rodden and Buote, alone and in combination, the invention of claims 1, 8, and 14, require, among other things, maximizing a window when the **size** and position are **not specified**. In Buote and Rodden, the sizes are always specified. Nothing in Buote or Rodden teaches or suggest windows with unspecified sizes.

Thus, the obviousness rejection of claims 1, 3-9, and 11-14 should be withdrawn. Appellant respectfully requests that this application be allowed and passed to issue.

Respectfully submitted,

Date: 27 July 2007.

/MONPLAISIR HAMILTON/

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